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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,228	08/22/2006	Mauro Barbieri	NL 040199	1490
24737 7590 06/22/2010 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER RAHMJOO, MANUCHER				
ART UNIT 2624		PAPER NUMBER		
MAIL DATE 06/22/2010		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/598,228

Applicant(s)

BARBIERI, MAURO

Examiner

MIKE RAHMJOO

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 05/13/2010 has been entered.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15, 17 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 15, 17 and 19 recite "the number of images incorporated in the icon is selected based on a sum of the importance of each of the images included in the icon *being minimal a certain predetermined value*". It is unclear what is "minimal" and what this attribute (i.e., minimal) represents.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1- 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matraszek et al (US PAP 2003/ 0117651), hereinafter, Matraszek in view of Parulski et al (US PAP2004/ 0201752), hereinafter, Parulski

As per claims 1, 11- 14, Matraszek teaches a computer with instructions/ software and storage see for example [51] and fig. 1;

determining a relative importance (I.sub.1, . . . I.sub.N) of each image (1, 2, . . . N) of the group of images, wherein the group of images includes a plurality of images (1,2,..., N), and , wherein the relative importance I_i (for i= 1 to N) of each of the plurality of images (1,2,..., N) is a number between 0 and 1 (i.e., relative degree of interest to rank images as important/ favorite images is classified in a range of -10 to +10) see for example [25- 26] and [0076];

generating an icon, wherein the graphic is composed of an adapted selection of images selected from the group of images based on the determined relative importance of each image of the group of images (i.e., computer system 10 automatically creating *an album page* of the five most favorite images) see for example [105]; and

determining the relative order of the selected image in the icon based on the determined relative importance of each image of the selected images(i.e., computer system 10 automatically creating *an album page* of the selected five most favorite images with the most favorite image P1 positioned in the center which is larger in size) see for example [105- 106]. [107] also teaches a picture map which is created automatically or by a user based on the personal affective information along with the positions locations selected and placed on the map.

Matrazek implicitly teaches the icon (corresponding to a single album page including images p1- p5 of figure 7a or the picture map of figure 7b to include seven images) comprises a graphic in a graphical user interface represent the group of images.

However, Matrazek does not explicitly teach the icon comprises a graphic in a graphical user interface represent the group of images.

Parulski teaches the icon comprises a graphic in a graphical user interface represent the group of images see for example [0077- 78] and figures 7 and 9 to display a GUI with favorites, extra favorite, normal and dislike images which is selected from a group and is editable to change the classification.

It would have been made obvious to one of ordinary skilled in the art at the time the invention was made to incorporate the teachings of Parulski into Matraszek to include the steps of storing and identifying the first and second groups of digital images, including data indicating the identified favorite images from the first and

second group of digital images corresponding to relative importance of the images; transferring the first and second groups of digital images, and the data identifying the first and second groups of digital images and the identified favorite images, from the digital camera to a computer; producing a first electronic album including the first group of digital images and a second electronic album including the second group of digital images; and *using the favorite image from the first group of digital images to represent the first electronic album, and the favorite image from the second group of digital images to represent the second electronic album and therefore organize and identify electronic albums using favorite images using a representation images to further enhance efficiency and ease of use by the end user and add to the marketability of the device* see [006- 007].

As per claims 2 and 20, Matraszek teaches a presence of manual annotations in an image or explicit user rating of an image (i.e., user selection of a few images out of a dozen as special favorites and user annotation with voice) see for example [25] and [40] respectively.

As per claims 3, 16 and 18, in light of the rejections made and as best understood, Matraszek teaches wherein relative importance of each image evolves and changes every time a factor taken into account for determining the relative importance of the corresponding images changes and wherein the number of images that are selected to be incorporated in the icon is not fixed, but is an adapted number based on the determined relative importance (I.sub.1, . . . I.sub.N) of each image (1, 2, . . . N) (i.e., the most favorite images with higher relative degree of interest for a user

which is decided by the viewing time and the number of times an image is viewed and is changing and therefore is variable number see for example [76]). [28] also teaches changes in the affective information and [94] teaches changes in the rating associated with the affective information and [25] teaches a few images (corresponding to the number) out of a dozen as special favorites.

As per claim 4, Matraszek teaches the layout of selected images of the icon is selected based on the determined relative importance of the selected images (I.sub.1, . . . I.sub.N) of each image of the selected images (i.e., album layout automatically customized based on the personal affective information and the most favorite image positioned in the middle) see for example [105- 106].

As per claim 5, Matraszek teaches the size of each selected image in the icon is proportional to the determined relative importance (I.sub.1, . . . I.sub.N) of each image of the selected images (i.e., customization of the album pages in terms of size and the most favorite picture P1 located in the center and larger in size) see for example [60] and [105] respectively.

As per claim 6, Matraszek teaches the position of each selected image in the icon depends on the determined relative importance (I.sub.1, . . . I.sub.N) of each image of the selected images (i.e., the most favorite picture P1 located in the center and larger in size and selection of the position information as in more prominent location in the photoproduct of the one or more favorite images) see for example [105] and [115] respectively.

As per claim 7, Matraszek teaches the group of images comprises a plurality of stills from a movie(i.e., still images or a moving image such as a video clip which inherently includes a plurality of still for favorite images) see for example [25].

As per claim 8, Matraszek teaches the group of images comprise a plurality of icons, the plurality of icons representing a group of images, a movie, a computer program or application(i.e., moving image such as a video clip) see for example [25].

As per claim 9, Matraszek teaches the icon is a desktop(i.e., desktop for providing personal affective information such as favorite images to provide customized photoproducts) see for example [45].

As per claim 10, Matraszek teaches determining a relative order of selected images in the icon based on the determined relative importance of each image of the selected images (i.e., automatic selection and placement of the favorite images based on the personal affective information and with pertaining proper places on the map) see for example fig. 7a- b and [107]. [105] and [115] also respectively teach the most favorite picture P1 located in the center and larger in size and selection of the position information as in more prominent location in the photoproduct of the one or more favorite images corresponding to a relative order of the based on the relative importance of each image.

As per claims 15, 17 and 19 and as best understood, the number of images incorporated in the icon is selected based on a sum of the importance of each of the images included in the icon being minimal a certain predetermined value

(corresponding to the measure of interest/ importance / or favoriteness as a sum and a weighted sum of three measures see [80- 81])

Response to Arguments

Applicant's arguments with respect to claims 1- 20 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's remarks on page 11 wherein applicant argues "As presented herein, *claim 1* has been clarified to more clearly articulate ... *The number of images selected to be included in the icon is not fixed, but is adapted to the determined relative importance AND selection of the number of images to be incorporated into the created icon is based on a requirement that the sum of the relative importance of each of the images selected to be included in the icon is minimal a certain predetermined value AND automatic generation of an icon that comprises a graphic in a graphical user interface to represent a group of images*", examiner fails to see said limitations as appearing in claim 1. Said limitations are recited in claims 3 and 15 which are rejected accordingly with respect to portion recited from the prior art of the record.

On page 12, applicant further argues "The Office Action contends that the computer system of Matraszek automatically creating an *album* page of the five most favorite images meets the limitation of "*generating an icon composed of the selection of images based on the determined relative importance of each image of the group of images*" of the previously presented independent *claim 1* (See the Office Action, page

5). This contention is respectfully traversed", examiner fails to see said limitation as recited in claim 1.

Applicant should submit an argument pointing out disagreements with the examiner's contentions. Applicant must also discuss the reference(s) applied against the claims as recited, explaining how the recited claims avoid the references or distinguish from them.

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Applicant further argues on page 12- 13 features as "tag" or a "flag" and classification of images between the range of -10 to 10; examiner respectfully responds that said features pertain to different embodiments as noted in [0026] and they can not be used interchangeably. Furthermore there is no indication that a "tag" or an unclassified image represented by "0" would/ should be present.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mike Rahmjoo whose telephone number is 571-272-7789 (fax number 571- 273- 7789). The examiner can normally be reached on 8 AM- 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matt Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mike Rahmjoo

June 18, 2010

/Mike Rahmjoo/

Examiner, Art Unit 2624